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3764  
TFW



smith & hopen, p.a.

Intellectual Property Law Patents Trademarks Copyrights

July 11, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Applicant: Richard M. Hall**  
**Serial No.: 09/682,353**  
**Filed: 08/24/2001**  
**For: Obesity Treatment Aid**  
**Our Reference No.: 1320.02**

**Art Unit : 3764**  
**Examiner: Michael A. Brown**  
**Confirmation No.: 8397**

Dear Sir:

Enclosed please find the following:

1. Notice Requiring Excess Claims Fees (2 pages);
2. Response to Notice Requiring Excess Claims Fees (2 pages);
3. Copy of American Express statement dated September 1, 2001 (1 page);
4. Copy of American Express statement dated December 2, 2004 (1 page); and
5. Self-addressed and postage pre-paid post card to serve as a receipt for items 1-4.

Very respectfully,

**SMITH & HOPEN**

By: Ronald E. Smith  
[ron.smith@smithhopen.com](mailto:ron.smith@smithhopen.com)

RES/dp  
Encl.

**CERTIFICATE OF MAILING**  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence is being mailed with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 11, 2005.

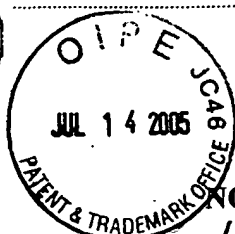
Date: July 11, 2005

  
Deborah Preza

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## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22312-1450  
[www.uspto.gov](http://www.uspto.gov)

## NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 6/10/05 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$25.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. \_\_\_\_\_ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account \_\_\_\_\_ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ 25.00 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

only 34 claims have been paid for.

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

**Service Charges:** There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Kevin Cobb (571) 272-4336  
Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/682,353

Filed: 08/24/2001

For: **Obesity Treatment Aid**

Art Unit: 3764

**Examiner: Michael A. Brown**

Confirmation No.: 8397

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE REQUIRING EXCESS CLAIMS FEES**

In response to the Notice Requiring Excess Claims Fees mailed June 24, 2005, having a shortened statutory period for response set to expire on July 24, 2005, applicant responds as follows:

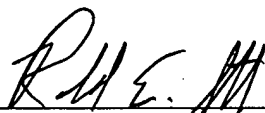
At the time of initial filing of the application, Applicant remitted payment in the amount of \$481.00 to cover the cost of the basic filing fee (\$355.00) and a fee for fourteen (14) additional claims (\$126.00). A copy of the American Express credit statement indicating that payment was processed by the Office for that amount on August 24, 2001 is enclosed. Applicant then filed an amendment with the Office on November 29, 2004. Applicant included payment in the amount of \$152.00 to cover fees for one (1) additional claim (\$9.00), two (2) additional independent claims (\$88.00) and a fee for an extension of time for a response (\$55.00). A copy of the American Express credit statement indicating that payment was processed by the Office for that amount on December 1, 2004 is also enclosed. A call was placed to the Finance Office on June 28, 2005. Godwin, who may be reached at (703) 306-4150, confirmed that payment has been received by the Office for these fees. Since Applicant has previously paid for thirty-five (35) total claims and five (5) independent claims, no excess claim fees are due at this time.

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**CONCLUSION**

It is believed that the above response is completely responsive to the Notice Requiring Excess Claims Fees mailed June 24, 2005. Applicant requests that the amendment filed on June 10, 2005 be entered.

Very respectfully,



Date: July 11, 2005

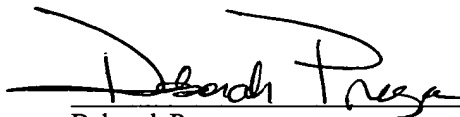
Ronald E. Smith  
Registration No. 28,761  
Smith & Hopen, P.A.  
15950 Bay Vista Drive  
Suite 220  
Clearwater, FL 33760

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**CERTIFICATE OF MAILING**  
**(37 C.F.R. 1.8)**

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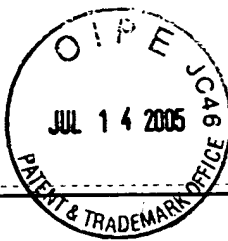
Date: July 11, 2005



Deborah Preza

Small Business  
Services

Prepared For  
ANTON J HOPEN  
SMITH AND HOPEN



Account Number

0-82000

Page 3 of 10

Closing Date

September 1, 2001

Transactions Continued

Amount \$

August 10, 2001

BUYCOMP,LLC 888-880-1030 CA  
COMPUTER HARDWARE/SFTWRE

Reference: 11397505

80.70 ✓

August 10, 2001

D&B BUSINESS REPORTSKING OF PRUSS PA  
PERSONAL SERVICE

Reference: HX0100100 Rec Number: 0000000150

25.00 ✓

August 12, 2001

BUYCOMP,LLC 888-880-1030 CA  
COMPUTER HARDWARE/SFTWRE

Reference: 11408703

851.15 ✓

August 13, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 022613451

395.00 ✓

August 13, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 022613451

355.00 ✓

August 13, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 022613451

364.00 ✓

August 14, 2001

PEPPINS RESTAURANT INC ST. PETERBURG FL  
FOOD AND BEVERAGE

Reference: 000089036

19.42 ✓

August 15, 2001\*

WROX PRESS LIMITED BIRMINGHAM UK  
UNITED KINGDOM  
GOODS AND SERVICES

50.00 ✓

August 15, 2001

PAC FOUNDATION,INC 7277917060 FL  
MEMBERSHIP FEES/ACC

Reference: 022934329

35.00 ✓

August 21, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 023413251

355.00 ✓

August 23, 2001

GRILLATFEATHER CLEARWATER FL  
FOOD AND BEVERAGE

FOOD/BEV 22.90

TIP 4.10

Reference: 800000E02

27.00 ✓

August 24, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 023915331

395.00 ✓

August 24, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 023915331

481.00 ✓

August 24, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 023915331

325.00 ✓

August 24, 2001

US PATENT & TRADEMARWASHINGTON, DC DC  
GOVT. SVCS. NOT ELSEWHE

Reference: 023915331

355.00 ✓

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Continued on reverse

Account For  
ANTON J HOPEN  
SMITH AND HOPEN

Account Number  
XXXX-XXXXX0-83008

Closing Date  
12/02/04

Page 7 of 12

New Activity Continued

				Amount \$
11/17/04	PUBLIX STR# 0374	CLEARWATER	FL	✓ 50.02
	GROCERIES			
11/22/04	PARTY CITY LARGO 161	CLEARWATER	FL	✓ 11.22
	CARDS/GIFTS/PARTY ITEMS			
11/23/04	US PATENT TRADEMARK 703-305-4631	VA		✓ 215.00
	GOVERNMENT SERVICES			
11/23/04	US PATENT TRADEMARK 703-305-4631	VA		65.00
	GOVERNMENT SERVICES			
11/26/04	US PATENT TRADEMARK 703-305-4631	VA		✓ 2,490.00
	GOVERNMENT SERVICES			
11/30/04	US PATENT TRADEMARK 703-305-4631	VA		✓ 985.00
	GOVERNMENT SERVICES			
12/01/04	US PATENT TRADEMARK 703-305-4631	VA		✓ 152.00
	GOVERNMENT SERVICES			

Total of New Activity for DEBORAH PREZA

New Charges	5,379.06
Payments/Credits	0.00

New Activity for SHELLEY BUTZ

Card XXXX-XXXXX0-81036

11/01/04*	ANNUAL MEMBERSHIP FEE SHELLEY BUTZ			35.00✓
	PERIOD 01/05 THRU 12/05			
11/12/04	EINSTEIN NOAH BAGEL	CLEARWATER	FL	12.81✓
	BAKERY			
11/26/04	US PATENT TRADEMARK 703-305-4631	VA		490.00✓
	GOVERNMENT SERVICES			

Total of New Activity for SHELLEY BUTZ

New Charges	537.81
Payments/Credits	0.00

Total of New Activity

New Charges	22,100.56
Payments/Credits	-18,025.38

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04873 R07N0A1B 00010  
04875 R07N0A1B 00010



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